

ARCHBISHOP HUGHES

IN REPLY TO

GENERAL CASS,

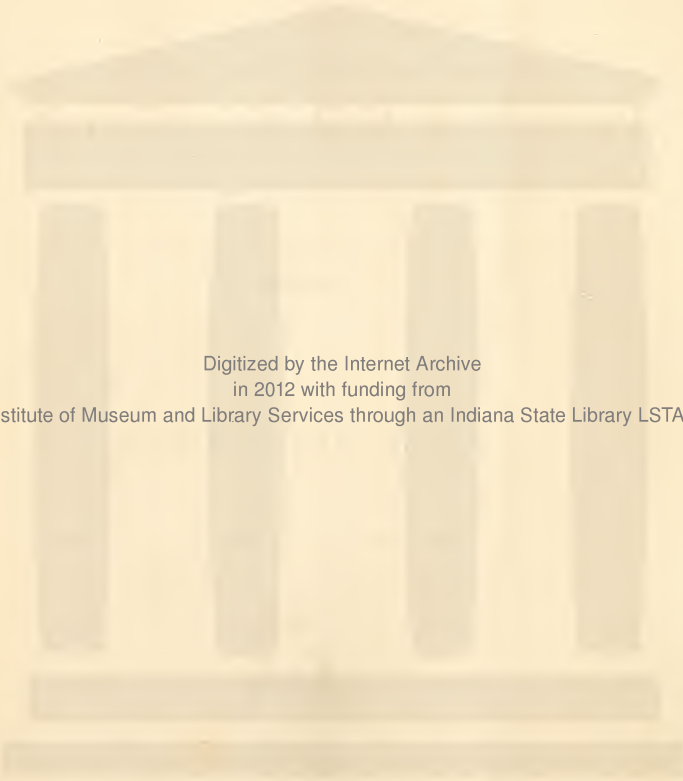
AND IN

SELF-VINDICATION.



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REPLY TO GENERAL CASS.

SOME persons imagine that a high honor has been conferred on me by the importance assigned to my name in the great speech which General Cass has thought proper to pronounce in the Senate of the United States. The providence of God has directed that General Cass should serve not only his country but his race in one order of life, and that it should be my humble privilege to serve both in another. I trust that my purity of motives is not inferior to his. But whilst he has steered his prosperous bark on yielding tides and with favoring winds as one of the approved and cherished great men of his country, it has been my lot, though a citizen of the same country, to have been occupied in propelling the little skiff, intrusted to my charge, in a direction generally adverse to the current, whether of wind or tide. General Cass is a Senator—I am, before the law, only a private citizen. I am also an ecclesiastic of the holy Catholic Church, even an unworthy prelate. The duties and speculations of our distinct departments appertain to such divergent relations, although intended to promote ultimately the same great beneficial ends we have in view, that any controversy in regard to them must necessarily appear to the American people and to the civilized world as an extraordinary

event, especially under the constitutional character of our own beloved country, which has so wisely for its circumstances, eliminated religious questions from the deliberations of Congress.

That my name, or any views of mine in an incidental letter should have attracted such serious attention on the part of General Cass, or any other Senator, is to me rather a humiliation than a pride. The circumstance brings me, as a citizen, into an apparent collision with a Senator. I am not disposed to waive either my rights as a citizen, or sacrifice my principles as a patriot and a man, simply because the tide of American public opinion may be turned against me. Neither am I prepared, on the other hand, to say one word in maintaining my position, which, considering my age and rank in the church, might give apparent sanction to that growing irreverence which is becoming so prevalent in this age, whether as it relates to pre-eminence, civil, ecclesiastical, social, domestic or senatorial.

To my utter astonishment, General Cass thinks that his name was first brought into my letter without any cause or occasion having been presented on his part. I shall perhaps best discharge my duty in reference to this by giving a brief statement of the circumstances which I thought warranted me in using the name of General Cass. The circumstances were these. A man and his wife, named Madiari, had been arrested in Florence. They had been tried according to the laws of their country and condemned to the penalty which the said laws had provided against persons offending as they had done. The report of their crime, as it reached the newspapers of England and America, was that they had been imprisoned merely for owning and reading their Bible. It was natural and even honorable that all men whether Catholics or Protes-

tants should feel and manifest their abhorrence for the disproportion between the alleged crime and the positive penalty. A meeting of sympathy was convened and held in this city. The undersigned with a view to learn the real facts of the case, attended that meeting. The speakers on the occasion, vituperated the Pope of Rome, the monks of Italy, the friars, the Jesuits, and the Catholics every where. The only person or party that was treated with a decent share of moderation was the Grand Duke of Tuscany. Towards the middle of the proceedings the following resolution complimentary to General Cass, as a bright particular star shining out from the dark heavens of human nature, which the orators had been describing, was proposed and carried by acclamation.

Resolved, 4. That this meeting firmly believes that it is the duty of the Government of the United States to protect all our citizens in their religious rights, whilst residing or sojourning in foreign lands, approves in the fullest manner of the noble attempt of a distinguished Senator from Michigan (Gen. Cass), to call the attention of the Government and the public to this important subject; and entertains the confident hope that this Government will speedily secure to its citizens, by the express stipulations of *international treaties*, the right to worship God according to the dictates of their conscience, in every foreign land."—*N. Y. Times*, Jan. 8, 1853.

In view of the lampooning which all Catholics, from the Pope downwards, had received at the lips of the orators, it did strike me as somewhat strange that the above resolution should have been introduced. The question that arose in my mind was, "How came it there?" The circumstance, however, seemed to me to be a sufficient reason for referring to General Cass, by name, in a letter which I wrote some time after. I have ascertained since that the Rev. Dr. Baird, who might be called the chief conductor of the Madiai meeting, was found in a short

time afterwards perfectly conversant with the proceedings going on in the Senate touching religious matters abroad. He is reported to have proclaimed in the Hall of the American Institute in Baltimore, on the 17th February, 1853, that Mr. Underwood, a Senator, had done him the honor of reading his (Mr. Underwood's) Report on the subject referred to, before reporting it to the Senate, and that he (Dr. Baird) approved of it. That Report, if ever published, I have not been able to find; but I think it not improbable that such Report would have been in consequence of the reference of a petition from the Maryland Baptist Union Association, which General Cass had so eloquently recommended to the appropriate committee in a speech delivered January 3, 1853, just four days previous to the Madiai meeting.

The petition alluded to had reference especially to the condition of the Baptists under the Protestant government of Prussia. A reference to this subject is found in a Senatorial document, published from the files of the Department of State, and designated S. Doc. 60. A letter from our Minister at Berlin, Mr. Barnard, dated January 31, 1853, addressed to Mr. Everett, Secretary of State, gives an account of his poor success in attempting to obtain toleration for Protestant subjects of the Protestant government to which he was accredited. Taking this document in connection with what has gone before, there would appear to be a perfect harmony of benevolent feelings among the distinguished persons connected with the subject, namely: Mr. Barnard, Mr. Cass, Rev. Dr. Baird, and Mr. Underwood. The truth of facts, and the accuracy of memory among the parties, are not by any means so perfect. Mr. Barnard pleads for subjects of Prussia, who are Baptists; Mr. Cass for the religious rights of Americans who go abroad; Dr. Baird, for in-

ternational treaties, to secure such rights. Mr. Cass, not for treaties, but for an amiable, diplomatic, officious, and unofficial interference every where in favor of American religious rights; and Mr. Underwood, as having covered the whole ground by previously reading his report to Dr. Baird, who approved of it even before it was submitted to the Senate.

I trust it will be, as it ever has been, the pleasing duty as well as right of the Executive Department of this government, to interpose its kind and courteous offices with other State Sovereignities in dissuading from acts of oppression likely to shock the feelings of humanity at large. But for this purpose I think legislation is unnecessary, and under the circumstances I vastly prefer the form of policy presented at the Madiai meeting to that which General Cass has broached in his senatorial place. The former goes for treaties, and I go for treaties, if any thing is to be done in the matter; the latter goes for charging our representatives abroad with half-defined duties, semi-national, semi-religious, semi-benevolent, semi-humanitarian, and, if I may be allowed the expression, semi-every thing,—and yet nothing definite. This, I trust, will be received by General Cass as a sufficient apology for my having introduced his name into my letter.

In my letter, to which General Cass takes such exceptions, I stated that, if our American Congress implicated itself in such questions to be seen to by our representatives abroad, I feared that such interference would be regarded by foreign Governments as drivelling. I was not then aware that what I anticipated as a probable contingency had already become a historical fact. It appears from Mr. Barnard's communication, that a letter addressed by him to the King of Prussia, confided to a distinguished hand, had been returned to him—the party declining the

responsibility of presenting it. Interviews between our Minister and the King, and the King's private Secretary, subsequently took place; and it is amusing to perceive with what amiability of language the King and his Secretary lowered down the American Minister. Diplomacy never employed more courteous language for the purpose of bowing out an intruder. All this has been substantially recorded by our Minister himself; and I can translate the correspondence in no other sense, under the circumstances, than as if the King and his private Secretary in courteous language well known to diplomacy and with refined manners, becoming perfect gentlemen on both sides, had said to Mr. Barnard, "Mr. American Minister, will you have the kindness to mind your own business." Now, as a citizen of the United States, I should be sorry that our foreign representatives by any legislative rules should ever be obliged to leave it in the power of majesty or royalty to lower them down in a manner like this.

If under the sincere profession of respect for the character, services, and position of General Cass, which has already been tendered, it should happen that any thing may be said by me in this writing apparently at variance with that profession, I trust that he knows me too well to believe for a moment, that I am capable of saying one thing, and intending another, directly the reverse. Yet his speech has imposed upon me the obligation of speaking frankly, within the limits that courtesy prescribes. I complain of General Cass. He has done me injustice, not intentionally, of course, but yet he has done me injustice. He has presented as the caption of my letter to the *Freeman's Journal*, a caption which is not mine at all. And this circumstance leads me to fear that time did not permit him to read attentively the document, insignificant as it was, which his speech professes to review. Again, when-

ever he does not quote my own identical words, but professes to represent the *meaning* of my statements, he misrepresents me, again, no doubt, unintentionally. His commentaries upon these misrepresented statements of mine, must necessarily correspond with the misrepresentations themselves; and thus I am placed, by implication, before the American people as maintaining sentiments, and advocating principles which I abhor and despise. Again, General Cass must permit me to complain of him, in that he suggests an immediate judgment against me at the tribunal of what he calls the "nineteenth century," "the spirit of the age," "public sentiment," and above all, the opinion of the great American public. This is not fair. I have great respect for the American people; but even a Senator of the United States ought not to attempt the extinguishment of honorable manhood in any citizen, by waving in his face the threat and danger of his incurring the frown of even the great American people. For the purposes of this argument, it is not necessary that I should incur the frown of either. But if circumstances required it, I am quite prepared to meet the issue with which the Senator would indirectly intimidate me, and to incur without a murmur, in regard to any question now discussed between us, the frown of any people, rather than incur the frown and reproach of my own conscience.

The honorable Senator has represented me as attempting to balance accounts between this country and the Grand Little Duchy of Tuscany. This was not fair. I made no accusations against this country. I merely suggested that civil governments, our own included, are sometimes unable to escape difficulties such as have sent the Medici from Florence, according to law, and driven unprotected ladies from their dove-cot in Charlestown, in Massachusetts, against law into common banishment.

General Cass thinks that inasmuch as the banishment of the Madiai was according to law, in Tuscany, and that of the Ursulines against law and by violence, the comparison is wonderfully against Tuscany and in our favor. I believe directly the reverse. The laws of Tuscany had made known to all parties beforehand, that the establishment of domestic conventicles for the purpose of proselytizing the subjects of the Grand Duchy from the established religion, would be visited with the judicial decisions of the established Courts, and would be followed on conviction of parties with the penalties which the law had in such case provided. Here there was at least fair notice given beforehand. The Commonwealth of Massachusetts, on the other side, had proclaimed to all the inhabitants of the land, that property, reputation and life, would be safe under the shield of her sovereign protection, unless in the case that all or either should be forfeited according to law and justice applicable to the case. The Madiai of Florence had not been deceived by the laws of the country under which they lived. The nuns of Charlestown, in regard to the laws of the country in which they had confided, were deceived. The latter, without having incurred even a reproach, much less an impeachment, or trial by jury, or judicial sentence consequent on such trial, were driven from their own home in violation of law, their property destroyed, the very graves of their departed sisters desecrated. What then? "Oh," says General Cass, "that was a mob." My answer is, "So much the worse for his side of the comparison." The State of Massachusetts ought not to have allowed those ladies to spend their money in building a house, and confiding their safety and property to the high promise of its sovereign protection, if the State of Massachusetts felt itself incapable of protecting them. But although in any country in the world it may

happen, as it has happened in nearly all, that a mob may have violated the laws, still, when order is restored, such sovereign State having pledged itself to protect personal rights, ought to be prepared to make such puny reparations as would be possible, with a view to vindicate its own character of sovereignty. Massachusetts has neither protected nor has she compensated. General Cass thinks that reparation should have been made. This shows the benevolence of his heart. But the outrage has been on record in the public annals of the country and of the world, for the last twenty years, and even General Cass had never before betrayed, so far as I am aware, the secret of his kind sympathies to the poor ladies of Charlestown. Neither has any of the great men of Massachusetts, so far as has come to my knowledge, expressed publicly such sympathy for them. Mr. Everett, or his great predecessor Mr. Webster, since the burning of the Convent at Charlestown, has hardly been able to find himself in a locality from which it would be possible to look on the Bunker Hill monument, without having at the same time within the range of his vision the black walls and the ruins of Mount Benedict. I have a vague recollection that Mr. Everett did on one occasion, many years ago, refer to the subject in language of regret, but if I am not mistaken in my memory he alleged on that occasion that by false zeal the Convent had been raised, and by false zeal it had been destroyed,—thereby ignoring all distinction between acts loyally and honestly done in faith of protection from the sovereignty of the State, and acts done in violation of the State's laws and contempt of its authority.

It may be easily imagined with what greater pleasure I shall be able to find points of agreement with my own principles of conviction, in the apparently hostile views

of General Cass, than points of divergency or antagonism. And strange as it may appear to some, I am persuaded that there is no difference between the distinguished Senator and myself, in regard to nine tenths of his great speech. A large portion of it is an assertion, or rather reiteration of patriotic and liberal feelings with which every true American is, as a matter of course, supposed to be imbued. Among his countrymen the Senator from Michigan has acquired an honorable eminence by his well-known patriotism, benevolence of heart, zeal for the advancement of his country's interests, and profound respect for religion, all of which have been generally acknowledged if not universally appreciated. His speech will be very much abridged if we put aside all that he has said, developing by implication these noble attributes of his own personal feelings and character. Neither shall I offer one word of apology for the real or supposed crimes insinuated in his speech against Foreign States, whether Catholic or Protestant, for their want of decent humanity regarding the burial of the dead within their limits. In all those states, I take it for granted, there are many things as well as this, which might be advantageously reformed. I would only observe that, Protestants sojourning in Catholic countries can hardly claim privileges, which, if offered in their own, they would not choose to accept. They do not believe in prayers for the dead, and the attendance of Catholic clergymen at the obsequies of the departed, has invariable reference to that belief. Neither do they believe in what Catholics call the consecration, by religious rites, of Catholic cemeteries. Hence, in their own country they prefer to be interred in common ground not consecrated. I do not see, therefore, any solid reason for its being insisted on that they should be buried in consecrated ground when

they are abroad, in Catholic countries, since the very idea of such a thing never enters into their mind in their native land. If the following exhibit a correct estimate of what American Protestants believe regarding Catholics, one might infer that the former would have no desire to be interred among such pagans, either at home or abroad.

THE PRESBYTERIANS VS. THE ROMAN CATHOLICS.

The Presbyterian General Assembly (New School) sitting at Philadelphia, on Thursday, had under consideration a report from a special Committee on "Popish Baptism." The report was read by Dr. Hatfield. The question submitted for the consideration of the Committee was as follows:

"Is the administration of what is denominated Baptism in the Roman Catholic Church to be recognized as Christian Baptism?"

The Committee said the dispensation by other than regular ordained Ministers had been departed from by the Romish Church. The Committee concludes that the Romish Church is no longer a church of Christ, but a synagogue of Satan. The Pope is considered the Anti-Christ. The tendency of the Popish Church is to establish the power of the Pope in all parts of the world, in opposition to the Church and religion of Christ. The forms of the Church of Rome were considered mummeries by the Committee. The latter in conclusion, says: "The ministers of the Church of Rome are not authorized to administer the sacraments ordained by Christ, our Lord, in the Gospel, and that the administration of what is denominated Baptism in the Roman Catholic Church, is not to be recognized as Christian Baptism."

The report was signed by Edwin F. Hatfield, D. D., and Samuel H. Cox, the majority of the Committee.

Prof. SMITH, the Third member of the committee, submitted a minority report, differing from the views of the majority, and taking the ground that Papal Baptism is valid. The arguments of the majority were replied to in detail in the minority report. The minority deems it impolitic to urge to extremity differences which will further alienate the Catholic people from Protestantism.

The reports were accepted, and a debate ensued, and upon a motion made by Dr. Waterbury, to adopt the report of the majority. At 12 o'clock, a motion to indefinitely postpone was negatived.

The Rev. Mr. RILEY submitted the following resolution as an amendment to the motion to postpone the subject:

Resolved, That in view of the great diversity of opinion and of practice in the Presbyterian Church on the subject of Popish Baptism, and in view of previous action of the Assembly, it will be inexpedient for the present Assembly to take action in the case.

Rev. Dr. BRAINARD opposed the adoption of the majority report, and hoped the matter would be left with the consciences of those who were to be benefited by it.

Mr. TAYLOR, of Cleveland, during a speech upon baptism, stated that if he was a Minister he would tell his flock the whole truth, and that is, if they believed not upon the Lord Jesus Christ they would be damned. He did believe that baptism was essential to salvation.

The debate was continued up to the hour of adjournment.—*N. Y. Express.*

Leaving the above specimen of liberality to speak for itself, I must be permitted to say that Senator Cass has been exceedingly infelicitous in one of the examples by which he would illustrate the hardships of American Protestants in Catholic countries in regard to this matter of Christian burial. He tells us of a Protestant who was at the point of death at San Diego, and who was so anxious to be buried in a consecrated place of sepulture, that he consulted the American minister as to whether he should not make a profession of Catholicism with the view to secure the right to such interment. The minister, like an honest man, dissuaded him from such a course, founded on such a motive. But still the Senator tells us that the ceremony of recantation was performed *in extremis*, and that the dying man, by this nominal change of faith, secured for his body after death, a resting place in a consecrated cemetery. From all which statement by Gen. Cass the obvious inference is, that the poor man either became sincerely a Catholic, which he had right to do, or died a hypocrite, a traitor to his conscience and his God, thereby sacrificing his soul for sake of a grave.

I think the Senator from Michigan has been still more

unfortunate in his allusion to some distinguished personage in Spain, supposed to be a woman, if not a lady. I hope the public will excuse me for not referring to his language, since he himself avows, in the exordium of his reference, that it is "painfully disgusting." In this Gen. Cass was not mistaken. If he had spoken of his own knowledge, even on this "painfully disgusting" subject, no man would dispute his testimony. But he speaks on the authority of the *London Times*. The editor of that paper however, instead of giving utterance from human tongue to this assault upon woman, allowed it to pass into universal circulation from the leaden lips of his iron-hearted journal. Nor could he have imagined that any man, especially an American Senator, would repeat what he had published except under the pressure of some grave necessity, requiring that for ends of public justice, the depravity of woman as well as of man should be made as public as possible. Such weighty reasons Gen. Cass must no doubt have had, but he has made no allusion to them.

The first person whose acquaintance I made on this earth, was a woman. Her pretensions were humble, but to me she was a great lady—nay a very queen and empress. She was more; she was my earliest friend, my visible, palpable guardian Angel. If she smiled approval on me, it was as a ray from Paradise shed on my heart. If she frowned disapproval, it seemed like a partial or total eclipse of the sun. Gratitude for all her kindness to me compels me to enter my humble plea and protest against any rash judgment degrading to one of *her* sex, who has not had the benefit of trial or self-defence. For this reason, as well as for others, which it is not necessary that I should adduce, I take the liberty of saying that I for one do not believe the accusations of the *London Times*. That paper is the most powerful organ in the

world of its own kind, either to destroy or build up any character or any cause whether public or private. If God should ever permit the noble, but oftentimes perverted capacities of the human intellect to elevate a wrong cause to a perfect equality with a right cause; an unjust cause to a perfect level with a just one; a false cause to an equality with a true one; such are the immense resources within its reach for procuring in regard to all causes, the very kind of information from abroad which it desires; and such its gigantic powers in manipulating, if I can use the term, this terrible Anglo-Saxon tongue of ours, that the feat of destroying in the minds of its readers, all distinction between right and wrong would be accomplished by the London *Times*. I do not say that it is more disposed to embrace a wrong cause instead of a right than any of its contemporaries, I only suggest that its powers of maintaining a wrong cause are greater than theirs; and the temptations to do so will be graduated according to the scale of its powers.

It has been my pleasant duty when in Europe, at different times within the last fourteen or fifteen years, to defend, according to my feeble ability, not only our American institutions, but also our individual statesmen against the testimony of the London *Times*. In its issue of February 7, 1842, it charges one of the latter with "audacious unfairness of argument"—it charges that "to attempt to fight under false colors, to pervert and misrepresent with a kind of bowing and scraping appearance of candor, is a characteristic of his composition." It sneers at his designating itself as a "high authority"—it does "not know whether most to admire at the audacity of his misrepresentation or at the admirable coolness, the innocent, gentlemanly superiority with which he carries it off." In its issue of January 9th, 1846, it describes the same

American statesman and his supporters as "the noisy demagogues of a faction"—it hopes that "the Republic of America is not sunk so low as to be driven into hostilities by such men as he." In its issue of February 18, 1846, allusion is made to the same American statesman, though his name is not mentioned, as "one who panders to a sanguinary passion."

Now this American statesman is no other than General Cass. And this is the testimony of his chosen witness against some unprotected female residing beyond the Pyrenees. If the authority is good against her, who can reject it as against the Senator from Michigan? I beg leave to reject it indignantly as against both or either; but as it affects General Cass, he has cut himself off from the privilege of rejecting, by having indorsed in the Senate of the United States the testimony of a chosen witness, who has described his character in terms so little flattering.

The portions of General Cass's speech with which I am most pleased are his quotations from jurists, whether their names be Puffendorf or Vattel. In them there is no confusion of ideas—although Vattel complains of such confusion as being one of the difficulties against which jurists and publicists have to contend. Besides this, I could hardly desire better arguments to refute General Cass than he himself has had the patience and industry to produce. If time permitted, I should enjoy as a pleasant recreation the privilege of analyzing the speech of the distinguished Senator. I think it would be no difficult task, by means of a critical distribution or rather classification of his arguments *pro* and *con.*, to prove that the ill-digested parts of the complex subject which he had taken in hand, are on the whole so equally balanced, that if each could be logically arranged, under its own appropriate head,

and either set off, according to its weight and measure against its opposite, the several positions of this great production would be found so mutually effective in their destruction of each other, that no positive result would remain, except that General Cass is, what every body knows, a statesman of great benevolence, having a great respect for the American people, especially the majority.

The Senator from Michigan maintains the supremacy of individual conscience, but he nullifies that supremacy according to his definition of conscience, by limiting the right to follow its dictates, and subjecting that right to the prohibition of law, human or divine. Now if the conscience of the individual is supreme, and the law of the land of any country is supreme also, which supremacy shall give way to the other? These are the premises laid down by General Cass, but unfortunately he has left the conclusions to be drawn from them, respectively to destroy or annihilate each other. His idea of conscience is not that it is a superior and indestructible, independent, moral faculty in the human soul, enabling every man to distinguish and choose between what seems to him good and evil, but that conscience gives right to the individual to act out, or manifest in words or deeds its interior dictates. On the other hand, he arms the civil authorities of all countries with the acknowledged right to control outward actions; so that, by confounding outward actions with conscience itself, he betrays and hands over that sacred principle to be judged of, and controlled by magistrates and civil governments. His first ebullition in favor of conscience is the proclamation that his purpose is "not merely to protect a Catholic in a Protestant country, a Protestant in a Catholic country, a Jew in a Christian country, but an American in all countries." General Cass professes to speak and act in regard to this subject,

on the ground of Principle. Principle is neither Catholic nor Protestant, nor Jewish nor Christian—at least in the sense in which it has been employed by him. Principle, if any thing, is universal. And since General Cass has attributed to what he calls an American, something like a special prerogative, he ought to show some grounds why an American, here classified under the head of religious denominations, should have any special or exceptional preference. Four religious denominations are mentioned, namely: Catholic, Protestant, Jew, and Christian. This nomenclature General Cass may explain. Its terms theologically considered, are, at least, intelligible. But when he comes to rank an American as a representative of a fifth sect, I really do not understand what he means.

If an American, as such, has a right to protection in all countries, why not also a European, an Asiatic, or an African? It seems, according to him, that religious denominations, in general, should be treated by *condescension* with kindness in all countries, but when a man professes the American religion, which General Cass has not explained, such a man has a pre-eminent right to special protection every where—that wherever he appears in foreign lands the sovereignty of the State, in regard to all questions appertaining to religion, must fall back the moment he proclaims himself an American. And it shall be understood that when he arrives on the shore of such country with a full measure of American atmosphere, American sunbeams, and American religion according to Mr. Cass, sufficient for his consumption during the period of his passage through or sojourning within that country, he shall have the right to say and do what he thinks proper, provided always it be according to the dictates of his conscience.

If this doctrine can obtain, several consequences which

Mr. Cass had tried to guard against in other parts of his speech must necessarily follow. Every nation has the real or supposed element of sovereignty within itself. But if the rights of conscience are supreme, and an American is to be protected every where in acting out its dictates, then the sovereignty of such nation must give way to the sovereignty of his conscience. What then? Two sovereignties are immediately in conflict. Which shall yield to the other? If the sovereignty of the State must give way to the sovereignty of the individual, provided that individual be an American, then let foreign sovereign States hide their diminished heads, for it is obvious that two rival sovereignties cannot both prevail in the same State. Then, if that be the case, as the Senator seems to anticipate, then let us proclaim at once, that all the nations of the earth are already prospectively annexed to the United States; and that the evidence of the occasion which will make it decent and proper, and for their own interests that they should strike their flags, will be the appearance of an American on their shores. The only trouble in connection with this patriotic purpose is, that when we define our rights hastily, whether as regards a principle or an international boundary line, it may happen, that after having asked more, we may finally be compelled to take less. Whether as regards private contracts or public treaties, it is a well known law that it requires two or more parties to make a bargain. It must be within the recollection of General Cass, that a few years ago, we had fixed a north-western boundary line, on which we had determined to stand or fall. But this was before the consent of the other party had been obtained; and when the matter came to a bargain, we allowed the other party to undefine our position, and to slide us off from our chosen line to another two or three hundred miles south of it.

I have been quite amused at the eloquent denunciations by General Cass, of absurd maxims and wicked pretensions on the part of civil governments, to control conscience, to dictate or prescribe to their subjects what they shall believe. In that part of his great speech I have the pleasure to agree with him. It is probable, however, that he thought, as many of his readers will have thought, that he was denouncing Catholic principles. The fact, however, is distinctly the reverse. The jurists and the governments that fell under the real weight of his censure, were of his own school. A brief retrospect of the condition of Europe both previous to, and since the Reformation, will make this point clear. All the States of Europe had been Catholic. The people of these States had but one religion. That religion was older than their civil governments. Consequently, their civil governments never dictated to them what they should believe. And when General Cass speaks of the arrogance and impiety of civil governments dictating to their people what they shall believe or what they shall not believe, he makes, without perhaps being aware of it, an exception in favor of Catholic governments, down at least to the period of the Reformation. The civil laws of those countries were in many respects exclusive and intolerant. But then, since all (for I must use the word all, though occasional exceptions arose), were of the same faith, and had no desire to change, the laws were substantially innocuous in the absence of objects on whom they might be executed. Then came the Reformation. The Reformation resulted in the formation of States on the anti-Catholic or Protestant basis. In these the form of the new religion was determined on by the civil governments. I am not aware of a single Catholic State, except, perhaps, it be Spain, which has since passed any laws especially directed against

Protestants. On the other hand, I do not know a single Protestant State in which the Government did not attempt and carry out by special laws, those very acts which General Cass so eloquently denounces. When General Cass finds jurists sustaining such pretended rights of the civil government, he may be sure they do not belong to the school of St. Thomas Aquinas, or Suarez, or the other great publicists that have been so numerous in the Catholic Church. These were men who never put on the philosopher's cloak with the view of playing the tribune either towards their countrymen or their race. These were men who derived their principles of human law, of government, whether civil or ecclesiastical, from the same supreme and eternal source. They flattered neither kings nor people. They feared God and feared few besides. *They* were not the men who wrote of the divine right of kings. They held that government is by divine right, but that the individual sovereign or ruler in such government is of human right. And if it had been possible for General Cass to have consulted their pages, he would have discovered, that they maintained the rights and dignity of human nature from the highest to the lowest members of society.

There is no difference between General Cass's conception of conscience as a moral faculty and mine. He however betrays the rights and liberty of conscience, as I understand it, by identifying this moral faculty with the outward actions which are supposed to manifest its dictates from within. No civil government that ever existed has or ever had either the right or the power, physical or moral, to coerce or extinguish man's conscience. It is beyond the reach of government. They might as well attempt to pass laws regulating the exercise of memory, as regulating the decisions of man's conscience. This free-

dom of conscience, however, General Cass has identified with outward action, and on the other hand, by recognizing the rights of civil government to control the outward actions of men, he has betrayed conscience into the hands of the magistrate. All human law has for objects either persons, or things, or acts; and beyond these human legislation cannot go. Conscience, according to my distinction, does not come within the reach of law, but as understood and represented by General Cass, he hands it over into the domain of civil government, and confounds it with things over which that government has acknowledged rights and legitimate power of interference. I am bound therefore to vindicate the liberty of conscience in reply to the dangerous doctrines of General Cass.

When the early Christians appealed to the Roman Emperors through the Apologies of their Justins and Tertullians, pleading for liberty of conscience, they did not thereby claim the right to do all the good in outward actions which their consciences would have approved. They pleaded that they might not be compelled to do any act which the law of God and the law of their consciences had forbidden. At one time for instance some glorious confessor of the Christian name, was called upon by the civil magistrate to offer sacrifice to the pagan gods. He refused, because he had a higher law in his conscience. What then? He was put to death—he became a martyr. At another time, some tender Christian virgin was required to sacrifice her chastity—she refused, and was sent to the wild beasts. In some instances, indeed, torture caused the Christian to fail and to obey men rather than God. But in all this, which is an extreme case, had the whole strength of the Roman Empire, power to destroy the “rights of conscience,” the “liberty of conscience,” the “freedom of conscience” in the heart of either of

these glorious martyrs or this supposed apostate? Assuredly not. General Cass thinks that if the "sentient being" is exposed to physical sufferings, the freedom of conscience is in great danger, if not absolutely lost. Every one knows that this is an erroneous position. It is only when human weakness yields to suffering in such circumstances, that conscience asserts her highest power. The individual feels himself degraded in his own estimation. Conscience told him at the moment of his yielding to a sinful compliance, making his declaration contrary to hers, that he was a base hypocrite; and that same conscience did not fail to vindicate the sovereignty by her continued frowns and reproaches.

General Cass has not taken the pains to distinguish the whole office of conscience. It may be expressed in brief words. The whole duty of man is to "avoid evil and to do good." Now although evil and good are relative terms and not judged of at all times and in all places, by the same standard, nevertheless, conscience is the faculty whereby the distinction is made. A thing may seem morally evil to a man. He cannot do it, without sinning, offending God and offending his own conscience. Another thing may appear good, and there is no obligation on him to do it, even though his conscience approve, unless the circumstances warrant its performance. The decalogue says, "Honor thy father, and thy mother." This is an affirmative precept, which requires that at proper times, and in proper circumstances, we shall honor our parents; but does not require that we should be always thus occupied. "Thou shalt not steal." This is a negative precept, and there is no time, or place, or circumstance, in which it is lawful for us to steal. So in the order of negative precepts a man may not do without sin, any act which the voice of his conscience tells him is

wrong. He may, indeed, have an erroneous conscience and be mistaken as to the intrinsic morality of the act, but still until his conscience shall have been enlightened, or as General Cass expresses it "improved" he must abide by its dictates, and avoid doing what it has ruled to be unlawful. Hence, if any Protestant, American or not, who travelling or sojourning in a Catholic State, should be called upon by the civil power to make a declaration or to do an act which his conscience condemns, he cannot comply. Let us suppose him to be required to swear that he believes in the Pope's supremacy. Being a Protestant, his conscience will oblige him to refuse. And if in consequence of this refusal, physical torture be applied, one of two things will happen,—he will suffer the torture and be loyal to conscience, or he will betray conscience by swearing to a lie. If any thing of this kind should be attempted in a Catholic country, or any act required which any American's conscience condemns, General Cass will find me ready to vote for the employment of the American Army and Navy to punish that nation which would impiously dare to commit so unlawful an outrage. Not because the man's conscience had been violated, for that is impossible; but because the law of such country would have gone beyond the boundaries of all human law since these relate not to the faculties of the human soul, but to outward persons, things, and acts. And as the person here supposed would have done no act bringing him under the law, his right of person would have been violated, and it would become lawful for his country to inflict condign punishment on the nation or parties so violating it.

But whilst no civil government or power on earth has a right to require, that a man shall do a sinful or immoral act, it does not by any means follow, that governments are bound to permit a man to act outwardly what his

conscience tells him is good. In the one case, his conscience decides for himself alone. In the other case its dictates would prompt him to decide for others, by doing what he supposes good, whether it be suitable for others or not. Here civil governments have a right to come in and say, "Let us see about that." They have a right also to refer to their laws as a rule for personal conduct. If the individual still imagines that his conscience requires him to do some act forbidden by the law, but yet highly praiseworthy in his estimation, he can make the experiment but he must abide the consequences.

But in General Cass's view of conscience there is no distinction, or but a fallacious one between conscience acting for the individual, forbidding him to do an evil act, and conscience dictating to him to do good, or what he may think good, without regard to others, wherever he may find himself. If this principle were carried out, I fear that strange exhibitions of individual zeal would become very frequent. If the supposed American should happen to be a Mormon, he will have a right to carry out the dictates of his conscience in all countries. If he should happen to be a Millerite, visiting Rome, it shall be his privilege to pitch his tent in front of St. Peter's church, then and there, under the protection of General Cass's doctrine, to speak and act according to the dictates of his conscience. He will undertake to prove that the end of the world is at hand. And by applying "figures, which never lie," to the Book of Daniel, and of Revelations, and elucidating the subject still more by exhibiting appropriate drawings of the big horn and the little horns, with various references to the number of the beast, descriptive of Anti-Christ,—prove clearly that his doctrine is right. In the mean time it might happen that this supposed Anti-Christ, the Pope, would be looking down from

some window of the Vatican, unable to interfere, lest his Government should be understood as violating the rights of American conscience as shadowed forth by General Cass.

I am not unmindful that General Cass has ascribed very high powers, and in my judgment, extravagant powers to human governments, in a supposed right of theirs to judge what is conscience and what is not. And in this he betrays again the faculty of conscience as understood by me. "It is not," he says, "every vagary of the imagination, nor every ebullition of feeling, nor every impulse of the passions, however honest the motive may be, which can lay claim to the rights of conscience." Again, "the human legislator has the right to separate presumptions or unfounded pretensions at war with the just constitution of society, from conscientious dictates properly regulated and operating within their just sphere." Here General Cass takes away from individual conscience the very rights which he had claimed for it elsewhere, and he refers to the legislator, because he is a legislator, to determine whether a doctrine held by the conscience of a man is to be regarded as a vagary of the imagination, or is consistent with the just constitution of society. In other parts, his position is, that there is no lord or judge of a man's conscience but God and the man himself. However, I find such mutual contradiction in the phrases of General Cass as he touches now on one topic and now on another, that it may become necessary for me hereafter to examine his speech more in specific detail. As it is now spread out before me in thirteen or fourteen columns of the *Washington Globe*, its dimensions horizontally considered in the order of length and breadth, become absolutely appalling. Its depth is by no means frightful,—a child could wade through it. Its other dimensions would

be its height, and in that sense it may be my duty to analyze this immense mountain of words, and if in doing so I shall discover the smallest mouse of sound logic, practical common sense, or philosophical statesmanship, General Cass shall have the benefit of the discovery.

I cannot however close this communication, already too long, without referring, as in proof of my position, to one of the historical illustrations adduced by General Cass in support of his. He refers to epochs in the civil wars that resulted from the reformation in Germany and in France. And because the word liberty of conscience is said to have been granted to the Protestants of both countries by their respective sovereigns, General Cass seems to think that my idea of liberty of conscience is refuted by its having been granted in treaties, according to Gen. Cass's quotations from "Universal History, Vol. 26, p. 302." I am quite surprised that this very reference did not tend to clear up the confusion of ideas which prevails on the subject. The Protestants in Germany and the Huguenots in France had freedom of conscience from the very beginning of their history. It was in the exercise of that freedom that they left the Catholic church and became Protestants. General Cass will not deny this,—that freedom of conscience they had preserved through all the civil wars which ended, for the time being, in the truce referred to by him. It was in the exercise of that freedom of conscience which was theirs, that they had taken up arms; and if it had been theirs during all this time, how can General Cass say that it was only given to them by the sovereign in 1532 and in 1561? He knows the profound, but apparently simple maxim in law, *Quod meum est, amplius meum esse, non potest*,—what is mine, cannot become more mine. For many years freedom of conscience was theirs already, and

according to this maxim could not become more theirs. Now, if it was theirs already, I would ask, with great respect for General Cass and "Universal History," how could it become more theirs by the grant of others? Consequently, General Cass and "Universal History" must mean something else than freedom of conscience. It must mean that they should be allowed to retain whatever advantages, whether of property and power, civil and religious, which they had secured during the progress of the dispute. Between the outward exercise of their freedom of conscience, against the laws of the State, and the pretensions of the State sovereignty to preserve order, the freedom of conscience was the pretext on one side, the sovereignty of the State was the plea on the other. And this granting of liberty of conscience, referred to by General Cass, reminds me of the alms given by a traveller, as mentioned in *Gil Blas*, to a poor man who had asked him for charity in a very piteous tone, but who had his musket levelled at the same time. General Cass will no doubt criticise this comparison as he has done other figurative language in my poor letter. So experienced an orator must certainly know that the value of a comparison is its suggestive property, which always depends upon its substantial agreement, but circumstantial difference, as regards the thing to be illustrated. *Omnis comparatio claudicat*. General Cass must surely be aware that the figure of an egg is not a comparison suited to the description of another egg, they are both so much alike; that to suggest the idea of a piece of chalk by comparing it with another piece of chalk, would be entirely out of the rules of rhetoric. General Cass has taken advantage of this even for the purposes of argument, when he assumes that because I spoke of the destruction of property—whether in Boston or in Philadelphia, as a violation of the rights

of conscience in regard to those persons to whom such property belonged, I am to be understood literally, and therefore as recognizing that conscience can be violated through the medium of outward violence. I did not mean any such thing. No outward violence can reach that fortress in the human soul, to which conscience can always retreat, and from which she can laugh to scorn the attempts of men to invade her stronghold. I do not admit that from the beginning of the world up to this day there ever has been a violation of the rights, freedom, liberty, or divine sovereignty of the human conscience. That is the portion of man's nature which God placed beyond the reach of human power. His civil rights might be taken away, his property confiscated, his reputation rendered infamous, the life of his body sacrificed at the stake, or given to wild beasts at the Coliseum, but the sovereignty of his conscience, above all earthly powers, has never in a single instance been vanquished by the cruelty or injustice of his fellow-beings. When, therefore, General Cass takes advantage of my using language in reference to this subject, such as that the rights of conscience had been violated in Charlestown or in Philadelphia, he forgets that there is among men an order of language appropriate to the science of any subject, and another which accommodates itself to the confusion of ideas in the popular mind. Persons who perfectly understand our solar system do not hesitate to speak of the rising and the setting of the sun, at the same time that they, in a scientific point of view, would maintain that neither phenomenon ever occurs; that in reality the sun is the centre of our system, and that all the planets, the earth included, are rising and setting and revolving around the centre.

I stated at the commencement of this reply, that the

necessity of finding myself in an apparent collision with so distinguished a man as General Cass, was less of a pride than of a humiliation. The circumstances under which my letter was written have been referred to in the foregoing part of this communication. I never dreamed that that letter would attract the special attention of any one. It has turned out otherwise however. If General Cass had intimated to me, in any private manner, that there was one word in it disrespectful to himself, I should have immediately, in the same manner, replied in vindication or in apology. If on the other hand, he had signified to me twelve or fourteen months ago, that he intended to make my letter the groundwork or occasion of his great speech, I should have been prepared with ample materials to reply to it far more effectively than it has been possible for me to do, amidst incessant interruptions, and within the limited period that has been allowed me since his oration in the Senate. As it is, however, I stand by my letter, and I shrink not from the explosion of the great mortar, which it has taken this experienced gunner so long a period to charge, as if he intended that it should not only kill my little sparrow of a letter, but also ! that it should frighten away all the birds of the neighborhood. I find my little *nycticorax in domicilio* not only chirping, but without a single featheret of its wing ruffled.

This letter is already too long, and I hope I may be pardoned if I make a few general remarks bearing more or less directly on the circumstances which directed it. The first remark is that in this country at least no man is oppressed, in consequence of his religious belief, so long as he submits legally to the constitution and laws by which it is governed. And yet I regret to say that many of our citizens are hardly satisfied with this equal and

common privilege, unless there be furnished them from time to time, occasions on which they may give vent to that lamentable intolerance which lurks in human nature every where, no less than in human governments in Europe, Asia, Africa and America. How tame would be the proceedings of such meetings as that, for purposes of sympathy with the Madiai, or those of our anniversary week, were it not for the vent which they furnish for the denunciation of Pope and Popery. There is not and there ought not to be opposition to or complaint of these proceedings. The Catholics of the United States are accustomed to such. Many respectable Protestants are rather offended by them. But on the whole, this is a country of free speech and free writing, and it is better to bear with the abuse of either than that any legislation be employed to prevent it. In the mean time, we of the clergy are obliged occasionally to travel abroad—sometimes because we have not received a suitable call at home; and sometimes because feeble health, by bronchitis especially, compels us to seek the benefit of foreign climates. Still wherever we go we must never forget the object of our vocation, which is to do good. And thus, forgetting the difference between restraints on the outward development of individual conscience in other countries, and the unbounded freedom in this respect which we enjoy at home, we are liable in a mistaken zeal, but always with the best intentions, to get into little difficulties with the police of Foreign Cities or States. What will be the consequence, if, according to General Cass's project, we shall have a *quasi* right, under the high sanction of the Congress of the United States, to hang on the buttons of our Foreign Ministers, and pull them right and left into the little dogmatical squabbles in which we may have contrived to get ourselves involved? Should I go to Stockholm, I might

be disposed to rent a room, announce that I intended to celebrate mass therein on such or such a day, inviting all, who thought proper, to be present. The room should be honestly, loyally paid for, of course. But if the municipal authorities of Stockholm should interfere with me, or take me before the magistrates for this, I should proclaim myself an American citizen and look to our resident minister for protection. Some clergymen of our many Protestant denominations might be just as imprudent in the capital of any Catholic country in Europe. General Cass thinks it would be all right, provided the local laws were not violated—but there is the rub.

For my own part, I think that as we have no established religion at home, which in our circumstances I regard as a great benefit, so it might be as well with us to deal with other nations prudently and modestly, just as we find them, until little by little, influenced by our beautiful example, they shall be induced to imitate it. The Congress of the United States are too well qualified to discharge the duties for which they were elected, to require the slightest suggestion from any private citizen as to the course they should pursue in regard to the matter which General Cass has brought before them. He has suggested to his fellow Senators that I pronounced their course all wrong. This was a mistake. I spoke of him alone, and of no other member of Congress.

If I may be allowed to express an opinion, as an humble citizen, conscious of loyalty to the constitution, obedience to the laws, respect for, and benevolence towards all my fellow-citizens, without distinction of creed, to give expression to my own sentiments, I should sum them up, not as regards this special topic, but as regards the general policy of the country, in a very few words. I would say that whilst the power, almost

pre-potency of the United States is admitted and acknowledged wherever I have travelled in Europe, there is still a prevalent idea abroad that this greatness is rather detracted from by a certain tone of self-complacency, and of contemptuous reference towards other States. They say that we are too great to stand in need of boasting; that we are too powerful, and too rich to be under the necessity of acquiring a right to property by fraudulent means. I do not pretend to judge how far these imputations are correct, but for my own part I would say, that the honor and dignity of this great free nation are likely to be best and most permanently sustained by adhering to a principle which is ascribed to as true an American as ever lived—namely—We ask for nothing that is not strictly right, and will submit to nothing that is wrong.

✠ JOHN HUGHES,
Archbishop of New York.

NEW YORK, *June 5, 1854.*